

1 Harry Stern (SBN 176854)  
2 Matthew George (SBN 239322)  
3 **RAINS, LUCIA & WILKINSON LLP**  
4 2300 Contra Costa Blvd., Suite 230  
5 Pleasant Hill, CA 94523  
6 Tel: (925) 609-1699  
7 Fax: (925) 609-1690

8 William B. Aitchison (SBN 90642)  
9 **AITCHISON & VICK, INC.**  
10 3021 NE Broadway  
11 Portland, OR 97232  
12 Tel: (503) 282-6160  
13 Fax: (503) 282-5877  
14 Email: [will@aitchisonvick.com](mailto:will@aitchisonvick.com)

15 Attorneys for Plaintiff  
16 BRIAN CARTER

17 UNITED STATES DISTRICT COURT  
18  
19 NORTHERN DISTRICT OF CALIFORNIA

20 BRIAN CARTER

21 Plaintiff,

22 v.

23 CITY OF MARTINEZ

24 Defendant.

) Case Number: C 06-7534 PJH

)

) **JOINT CASE MANAGEMENT**

) **STATEMENT AND STIPULATION**

) **AND ORDER FOR CONTINUANCE OF**

) **CASE MANAGEMENT CONFERENCE**

)

)

)

)

)

)

) Complaint Filed: December 8, 2006

) Trial Date: Not set

)

25 ///

26 ///

27 ///

28 ///

1 The parties to the above-captioned action jointly submit this Case Management  
2 Statement and Stipulation and Order for Continuation of Case Management Conference.

3 An initial case management conference was held in this matter on March 15, 2007. A  
4 copy of the parties' Joint Case Management Statement and Proposed Order is attached hereto as  
5 Exhibit A. Since that time, the parties have completed the pre-ADR discovery outlined in the  
6 Case Management Conference Order. This discovery process has been extensive. Defendants  
7 have provided the Plaintiffs with electronic payroll data. Plaintiffs have provided the  
8 Defendants with their damages calculations. Additionally, the Defendants have taken the  
9 deposition of three plaintiff officers, while the Plaintiffs have taken the deposition of  
10 Commander Mark Smith of the Martinez Police Department.

11 On October 26, 2007, the parties participated in a full day mediation session with  
12 mediator Robert A. Edwards. While the parties did not reach a settlement agreement on that  
13 day, both parties feel that the discussions were productive. Accordingly, the parties have  
14 agreed to engage in further informal settlement discussions during the month of November and  
15 have scheduled a further mediation session with Mediator Edwards for December 13, 2007.

16 As settlement discussions are both ongoing and productive, the parties respectfully  
17 request that the Court continue the Case Management Conference scheduled for November 15,  
18 2007 until January 10, 2007.

19 **THE PARTIES HEREBY STIPULATE:**

20 On June 19, 2007, this Court issued a civil minute order for completion of mediation by  
21 October 31, 2007, with a further case management conference on November 15, 2007. The  
22 parties were also ordered to file a joint case management conference statement on November 8,  
23 2005.

24 On October 26, 2007, the parties conducted a mediation with the court appointed  
25 mediator, Robert A. Edwards. The parties engaged in productive settlement negotiations, and  
26 scheduled a further mediation for December 13, 2007. The parties also agreed to engage in  
27 informal settlement discussions before the December 13, 2007 mediation, in an attempt to  
28 resolve this matter.

1 Based upon the foregoing, the parties request a continuance of the case management  
2 conference currently scheduled for November 15, 2007 to January 10, 2007, after the  
3 completion of mediation.

4 Dated: 11/7/07

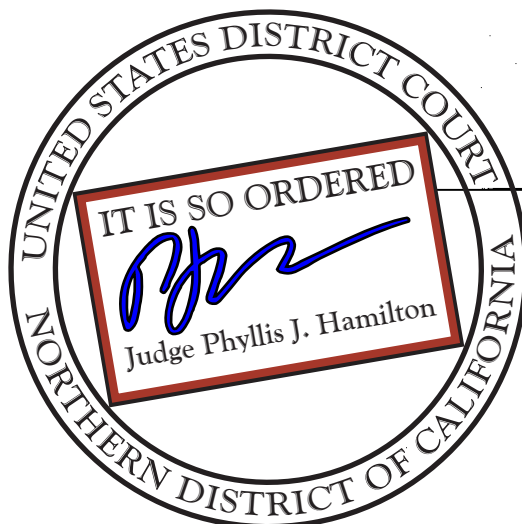
Matthew George  
Matthew George  
Attorney for Brian Carter and all Consentors

7 Dated: 11/7/07

Marla Letellier  
Marla Letellier  
Attorney for City of Martinez

10 IT IS SO ORDERED:

12 Dated: 11/13/07



**PROOF OF SERVICE**

Case Name: *Brian Carter v. City of Martinez*  
United States District Court for the Northern District of California  
Case No.: C-06-7534 PJH

I, Maggie Bedig, am a citizen of the United States, and am over 18 years of age. I am employed in Contra Costa County and am not a party to the above-entitled action. My business address is Rains, Lucia & Wilkinson LLP, 2300 Contra Costa Blvd., Suite 230, Pleasant Hill, California 94523. On the date set forth below I served a true and correct copy(ies) of the following document(s):

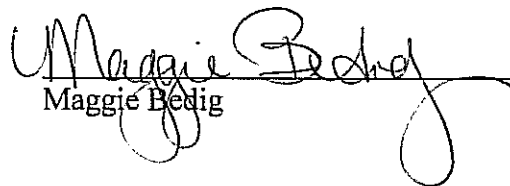
**JOINT CASE MANAGEMENT STATEMENT AND STIPULATION AND ORDER  
FOR CONTINUANCE OF CASE MANAGEMENT CONFERENCE**

upon all parties addressed as follows and said service was effected as indicated below:

- ☐ VIA U.S. MAIL – I placed true and correct copies of the above-referenced document(s) in a sealed envelope, properly addressed to the above-named parties, with postage prepaid in a receptacle regularly maintained by the United States Post Office.
- ☒ VIA ELECTRONIC MAIL: I attached a true and correct copy thereof in PDF format to an electronic mail message transmitted to the electronic mail address indicated below.

Cynthia O'Neill, Esq.  
Marla K. Letellier, Esq.  
Liebert Cassidy Whitmore  
153 Townsend Street, Suite 520  
San Francisco, CA 94107  
F. 415.856.0306  
[coneill@lcwlegal.com](mailto:coneill@lcwlegal.com)  
[mletellier@lcwlegal.com](mailto:mletellier@lcwlegal.com)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and was executed on November 7, 2007 at Pleasant Hill, California.

  
Maggie Bedig